

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).7 6 2 3 / 2 0 0 5

(From the judgement and order dated 2 4 / 0 1 / 2 0 0 5 in WA No.2 1 0 1 / 2 0 0 4
of The HIGH COUR T OF ANDH R A P R A D E S H AT HYD E R A B A D)

ANDH R A BAN K TH R. IT S CHAI R M A N & M.D.

Petitioner(s)

VE R S U S

S.BA L A R A M A S WA M Y (DEA D) BY LR S . & ORS.

Respondent(s)

[With prayer for interim relief and office report]
(for final disposal)

Date: 0 5 / 1 2 / 2 0 0 7 This Petition was called on for hearing today.

CORAM :

HON' B L E MR. JUS T I C E ASHO K BHA N
HON' B L E MR. JUS T I C E ALT A M A S KA B I R

For Petitioner(s) Mr. B.Datta, ASG
and for R R Nos.2 Mr.Shipik a Dhawa n, Adv.for
to 4 Mr. P. P . Singh, Adv.

For Respondent(s) Mr. P.V.Di nesh, Adv.

UPON hearing counsel the Court made the following
OR D E R

Leave granted.

The Appeal is allowed in terms of the signed order. No costs.

(Parveen Kr. Chawla)
Court Master

(Kanwal Singh)
Court Master

[Signed Order is placed on the File]
IN TH E SU P R E M E C O U R T O F I N D I A

CIVI L AP P E L L A T E JUR I S D I C T I O N

CIVI L AP P E A L NO.5 6 3 0 OF 2 0 0 7
(Arising out of SL P (C) No.7 6 2 3 / 2 0 0 5)

Andhra Ban k Thr. Its Chair m a n & MD

..Appella

nt

versus

S.B al a r a m a Swa my (D) By Lrs. & Ors.

..Respond

ents

O R D E R

Leave granted.

The present appeal has been filed against the judgment and order dated 24th Ja nu a ry, 2 0 0 5 passed in Writ Appeal No. 2 1 0 1 of 2 0 0 4 whereby and whereunder the Division Bench has set aside the order of the learned Single Judge dated 2 9th October, 2 0 0 4 passed in Writ Petition No. 3 6 4 1 1 of 1 9 9 8 and order ed reinstatement of the respondent- work ma n, hereinafter referre d to as the 'respondent', without any back wages.

Brief facts giving rise to this appeal are:

Respondent was working as a Manager in Andhra Ban k, Chetput Bra nch (Chennai) from 198 2 to 1 9 8 6 . During that period, he commit ted serious irregularities. A charge- sheet was served on him on 15th October, 1 9 8 6 by the Per son nel Manager and the respondent was placed under suspension. Af ter

enquiry, the respondent was dismissed from service by the Disciplinary Authority by its order dated 0 1. 1 2 . 1 9 8 7 which was confirmed by the appellate authority on 0 8. 0 4 . 1 9 8 8 and thereafter the respondent did not pursue his case any further. After a gap of about ten years, respondent filed a review petition on 2 8. 0 4 . 1 9 9 7 before the General Manager(H R D) which was dismissed on 0 4. 0 6 . 1 9 9 7 .

On the dismiss a l of the review petition, respondent filed a writ petition after about eleven years in the High Court which came up for hearing before the Single Judge. Learned Single Judge vide his order dated 2 9. 1 0 . 2 0 0 4 dismissed the writ petition on the ground of laches. Aggrieved against the order of the learned Single Judge, respondent filed a writ appeal before the Division Bench which has been disposed of by the impugned order. The Division Bench, without referring to the laches which was the sole ground on which the learned Single Judge had dismissed the writ petition, has allowed the writ appeal on the ground that respondent No.4 (Personnel Manager) did not have the jurisdiction to pass the order of dismiss a l against the respondent.

Employer has come up in appeal.

Learned counsels appearing for the respective parties have taken us through the orders of the learned Single Judge as well as Division Ben ch.

Arguments heard.

We agree with the contention advanced on behalf of the appellant that the Division Bench was not justified in reversing the order of the learned Single Judge without even referring to the laches which was the sole ground for dismissal of the writ petition by the learned Single Judge.

In our considered view, the respondent failed to give any satisfactory explanation for the delay of ten and half years in filing the writ petition. The writ petition deserved to be dismissed on the ground of laches.

For the reasons stated above, we accept this appeal, set aside the order of the Division Bench ordering reinstatement and restore that of the learned Single Judge dismissing the writ petition. No costs.

.....J.
[ASHO K BHA N]

N E W D E L H I ;
D E C E M B E R 0 5 , 2 0 0 7

.....J.
[A L T A M A S K A B I R]